

NEVADA POWER COMPANY,  
Plaintiff(s),  
vs.  
TRENCH FRANCE SAS, et al.,  
Defendant(s).

Pending before the Court is Defendant Siemens AG Österreich’s (“Siemens”) motion to stay discovery pending resolution of its motion to dismiss. Docket No. 45; *see also* Docket Nos. 44, 48, 52. Plaintiff filed a response in opposition, and Defendant filed a reply. Docket Nos. 47, 49. The Court finds the motion properly resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed more fully below, the motion to stay discovery is hereby **GRANTED**.

“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the

1 merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a  
2 claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).<sup>1</sup>

3 Having reviewed the underlying motion to dismiss, the Court finds that these elements are  
4 present in this case and **GRANTS** the motion to stay discovery. If the motion to dismiss is not granted  
5 in full, the parties shall file a proposed discovery plan within seven days of the issuance of the order  
6 resolving the motion to dismiss.

7 Defendant Siemens' request for an order shortening time is hereby **DENIED** as moot.

8 IT IS SO ORDERED.

9 DATED: November 24, 2015

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12 NANCY J. KOPPE  
13 United States Magistrate Judge  
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27 <sup>1</sup> Conducting this preliminary peek puts the undersigned in an awkward position because the  
28 assigned district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*, 278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is not intended to prejudice its outcome. *See id.*